

THURSDAY, APRIL 30, 1981

FORTY-SECOND LEGISLATIVE DAY

The House met at 10:00 a.m. and was called to order by Mr. Speaker McWherter.

The proceedings were opened with prayer by Reverend Daniel W. Bender, First Baptist Church, Gallatin, Tennessee.

Representative Wix led the House in the Pledge of Allegiance to the Flag.

The roll call was taken with the following results:

Present 91

Representatives present were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Work, Yelton and Mr. Speaker McWherter—91.

The Speaker announced that Representatives Copeland, Ussery, Wood, Montgomery and Crain were excused to attend the White House briefing on the President's economic package.

The Speaker announced that Representatives Frensley and Stafford were excused because of illness.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint Resolutions Nos.

43—Relative to study, establishing book repair industry;

59—Relative to certain notification, school boards;

185—Relative to honoring James H. McSpadden;

188—Relative to memory, William Larry Whitwell;

189—Relative to memory, John A. Ayres, Knoxville;

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190—Relative to honoring Dr. Clarence L. Ruffin; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos. 186, 243, 311, 383, 622, 629, 701, 797, 852, 886, 893, 984, 1019, 1075 and 1174; all signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bills Nos. 186, 243, 311, 383, 622, 629, 701, 797, 852, 886, 893, 984, 1019, 1075 and 1174; for his action.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos. 47, 189, 393, 405, 446, 492, 500, 566, 624, 833 and 994; also, Senate Joint Resolutions Nos. 90, 110, 114 and 115; all for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

ENROLLED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 436, 452, 542, 829, 833, 874, 993, 1037, 1048, 1101, 1240, 1290, 1291 and 1298; and House Joint Resolutions Nos. 43, 59, 185, 188, 189, 190 and 196; and find same correctly enrolled and ready for the signatures of the Speakers.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

SIGNED

The Speaker announced that he had signed the following: House Bills Nos. 436, 452, 542, 829, 833, 874, 993, 1037, 1048, 1101, 1240, 1290, 1291 and 1298; House Joint Resolutions Nos. 43, 59, 185, 188, 189, 190 and 196; Senate Bills Nos. 47, 189, 393, 405, 446, 492, 500, 566, 624, 833 and 994; and Senate Joint Resolutions Nos. 90, 110, 114 and 115.

CALENDAR

Mr. Severance moved that House Bill No. 451 be placed on the Calendar for Thursday, May 14, 1981, which motion prevailed.

Senate Bill No. 1142—To enact "Conservation Easement Act of 1981".

Mr. Murphy (Davidson) moved that Senate Bill No. 1142 be passed on third and final consideration.

Mr. Murphy (Davidson) moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 1142 by deleting Section 8 in its entirety and by substituting in lieu thereof the following new Section 8 to read as follows:

SECTION 8. For the purposes of determining property and estate taxes, such property shall be assessed to the owner of the fee on the basis of its value as burdened by the easement. The owner of the fee shall have all rights and powers to appeal any assessment of such interest on the same basis as provided by law for property tax assessment appeals.

AND FURTHER AMEND by inserting in item 2 of Section 3, as amended, immediately after the words "Section 501(c) (3)" the words "and Section 509(a) (1) or (a) (2)".

AND FURTHER AMEND by deleting from item 3 of Section 3, as amended, the words "or beneficiary, and", and substituting instead the words "or beneficiary".

AND FURTHER AMEND by inserting in item 3 of Section 3, as amended, the words "and, (d) is recorded in the register's office of the county in which the easement is located" immediately after the words "State of Tennessee".

AND FURTHER AMEND by designating the language of Section 5, as amended as Subsection (a) and adding the following subsection to be designated (b):

(b) No private non-profit organization shall exercise a power of eminent domain to acquire an easement under the provisions of this act even though such organization may otherwise have such power.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 1142, as amended, passed its third and final consideration by the following vote:

Ayes	72
Noes	16
Present and not voting	1

Representatives voting aye were: Akard, Baker, Bell (Wilson), Bewley, Bivens, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, Disspayne, Duer, Duncan, Ellis, Gaia, Gill, Harrill, Henry (Roane), Hillis, Hudson, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Lowe, McAfee, McKinney, McNally, Martin, Miller, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Pruitt, Richardson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Wallace, Webb, Whitson, Withers, Wolfe, Work, Yelton and Mr. Speaker McWherter—72.

Representatives voting no were: Bell (Knox), Bragg, Burnett, Carter, Davidson, DePriest, Dills, Ford, Henry (Blount), Hurley, Huskey, Jared, Phillips, Pickering, Robertson and Wix—16.

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Representative present and not voting was: Rhinehart—1.

A motion to reconsider was tabled.

Mr. Gill moved that Rule No. 48 be suspended in order to place additional bills on the Calendar for Wednesday, May 6, 1981, which motion prevailed.

House Bill No. 1204—To make certain provisions, bail of criminal defendants.

On motion, House Bill No. 1204 was made to conform with Senate Bill No. 529.

On motion, Senate Bill No. 529, on same subject, was substituted for House Bill No. 1204.

Mr. Naifeh moved that Senate Bill No. 529 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	89
Noes	0
Present and not voting	1

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Lowe, McAfee, McKinney, McNally, Martin, Miller, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Stallings, Starnes, Sterling, Tanner, Turner, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Work, Yelton and Mr. Speaker McWherter—89.

Representative present and not voting was: Spence—1.

A motion to reconsider was tabled.

Mr. Moore moved that Rule No. 19 be invoked, which motion prevailed by the following vote:

Ayes	70
Noes	12
Present and not voting	2

Representatives voting aye were: Akard, Baker, Bell (Wilson), Bewley, Bragg, Brewer, Buck, Burnett, Carter, Clark (Davidson), Cobb, Covington, Davidson, Davis (Gibson), Davis (Hamilton), DePriest, Dills, Duer, Duncan, Ellis, Ford, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, Lashlee, Lowe, McAfee, McKinney, McNally, Martin, Miller, Moore, Murphy (Davidson), Murray, Naifeh, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Shockley, Smith, Stallings, Starnes, Sterling, Tanner, Wallace, Webb, Wheeler, Withers, Wix, Work and Yelton—70.

Representatives voting no were: Bell (Knox), Bivens, Byrd, Clark (Sumner), Davis (Pickett), DeBerry, Disspayne, Hudson, Small, Turner, Whitson and Wolfe—12.

Representatives present and not voting were: Owen and Mr. Speaker McWherter—2.

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House Bill No. 1106—To enact the "Racing Commission Law of 1981".

Mr. Pruitt moved that House Bill No. 1106 be passed on third and final consideration.

Mr. Kent moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 1106 by deleting at the end of the first sentence of Section 17 the words "as provided herein" and adding, the words "or of the metropolitan government in counties having a metropolitan form of government.", and by deleting the remainder of the section in its entirety.

AND FURTHER AMEND by inserting the following as a new section immediately after Section 17 to be numbered Section 18, renumbering subsequent sections accordingly:

SECTION 18.

(a) All monies remaining after payment of expenses incurred in the administration of this act, including the payment of the salaries and expenses of member and employees of the commission, shall be distributed in the following manner:

(1) In any county having a metropolitan form of government, all such monies shall be distributed by the Director of Finance as follows:

(A) to the hospital board of such metropolitan government for the funding of patient care and/or student scholarships, at any hospital or medical college in such county, thirty percent (30%);

(B) for funding of salaries and/or retirement benefits of classroom teachers, twenty percent (20%);

(C) for funding of salaries and/or retirement benefits for fire, police, and sheriff's departments, thirty percent (30%);

(D) for the general fund twenty percent (20%).

Any fund not expended or allocated in any fiscal year shall revert to the General Fund of such metropolitan government.

(b) In all other counties with a population in excess of six hundred thousand (600,000) as determined by the 1970 federal census of population or any subsequent federal census of population, the proceeds, after expenses, shall be distributed proportionally as a credit against the real and personal property taxes levied by the cities and counties in the following manner:

(1) for purposes of collecting the proceeds under this act, the collection year shall be from July 1 of a calendar year to June 30 of the following calendar year;

(2) the ratio of race track net proceeds after expenses as above defined for the collection year as defined in paragraph (b)(1) of this section to the real and personal property tax levies for the calendar year in which the collection year ends shall be computed;

(3) every property tax levy for the calendar year in which the race track collection year ends, prepared by the cities and counties shall be reduced by multiplying the ratio computed in paragraph (b)(2) of this section by the gross

tax levy and subtracting the proceeds from the gross tax levy;

(4) property tax bills prepared by the county officials shall state the gross tax levy, the ratio computed in paragraph (b)(2) of this section, the amount of the credit, and the net tax levy.

Mr. Small moved that Amendment No. 1 be tabled, which motion failed by the following vote:

Ayes	33
Noes	48
Present and not voting	5

Representatives voting aye were: Baker, Bell (Wilson), Bragg, Brewer, Clark (Sumner), Davis (Pickett), Duncan, Gaia, Gill, Harrill, Henry (Blount), Hillis, Hurley, Huskey, Jared, Kelley, Moore, Murray, Rhinehart, Richardson, Robertson, Robinson (Hamilton), Scruggs, Shirley, Small, Smith, Stallings, Sterling, Turner, Wallace, Wheeler, Wolfe and Yelton—33.

Representatives voting no were: Akard, Bell (Knox), Bewley, Bivens, Byrd, Carter, Chiles, Clark (Davidson), Cobb, Covington, Davidson, Davis (Gibson), DeBerry, Disspayne, Duer, Ellis, Ford, Henry (Roane), Hudson, Johnson, Jones, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Lowe, McKinney, McNally, Martin, Miller, Murphy (Davidson), Murphy (Shelby), Naifeh, Owen, Phillips, Pickering, Pruitt, Robinson (Washington), Severance, Shockley, Spence, Tanner, Webb, Whitson, Withers, Wix and Work—48.

Representatives present and not voting were: Burnett, DePriest, Dills, Robinson (Davidson) and Mr. Speaker McWherter—5.

Mr. Covington moved to amend Amendment No. 1 as follows:

AMENDMENT NO. 1 TO AMENDMENT NO. 1

Amend Amendment No. 1 as follows:

Section 18 .

a

1

(c)

by striking "retirement benefits for fire, police and sheriff's department employees" and substituting in lieu thereof the words "retirement benefits for all Metro Employees".

Thereupon, Amendment No. 1 to Amendment No. 1 was adopted by the following vote:

Ayes	50
Noes	28
Present and not voting	3

Representatives voting aye were: Akard, Bivens, Brewer, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Davidson, Davis (Gibson), Davis (Hamilton), DeBerry, Disspayne, Ellis, Ford, Gaia, Hudson, Huskey, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), Love, Lowe, McKinney, McNally, Martin, Miller, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Phillips, Pruitt, Robinson (Hamilton), Spence, Stallings, Sterling, Tanner, Webb, Whitson, Withers, Work and Yelton—50.

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Representatives voting no were: Baker, Bragg, Buck, Davis (Pickett), Duer, Duncan, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hurley, King (Washington), McAfee, Moore, Pickering, Rhinehart, Robertson, Scruggs, Shirley, Shockley, Small, Smith, Turner, Wallace, Wheeler, Wix and Wolfe—28.

Representatives present and not voting were: Dills, Robinson (Davidson) and Severance—3.

Mr. Byrd moved that House Bill No. 1106 be placed on the Calendar for Monday, May 4, 1981.

Mr. McKinney moved that the motion be tabled, which motion prevailed by the following vote:

Ayes	50
Noes	33
Present and not voting	1

Representatives voting aye were: Akard, Baker, Bell (Wilson), Brewer, Burnett, Carter, Chiles, Clark (Sumner), Covington, Davidson, Davis (Hamilton), DeBerry, DePriest, Disspayne, Duer, Ellis, Ford, Gaia, Hudson, Hurley, Huskey, Johnson, Jones, Kent, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Phillips, Pruitt, Robinson (Hamilton), Shirley, Shockley, Spence, Starnes, Sterling, Tanner, Wallace, Withers, Work and Yelton—50.

Representatives voting no were: Bell (Knox), Bivens, Bragg, Byrd, Clark (Davidson), Davis (Gibson), Davis (Pickett), Dills, Duncan, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Jared, Kelley, Moore, Owen, Pickering, Rhinehart, Richardson, Robertson, Scruggs, Severance, Small, Smith, Stallings, Turner, Webb, Wheeler, Whitson, Wix and Wolfe—33.

Representative present and not voting was: Robinson (Davidson)—1.

Mr. Withers moved the previous question, on Amendment No. 1, which motion prevailed by the following vote:

Ayes	58
Noes	24
Present and not voting	5

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Brewer, Carter, Clark (Davidson), Clark (Sumner), Cobb, Covington, Davidson, Davis (Gibson), Davis (Hamilton), DeBerry, DePriest, Disspayne, Ellis, Ford, Gaia, Gill, Hudson, Huskey, Jared, Johnson, Jones, Kelley, Kent, King (Shelby), King (Washington), Lashlee, Love, Lowe, McKinney, McNally, Miller, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Phillips, Pruitt, Richardson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Shockley, Spence, Starnes, Tanner, Wallace, Webb, Whitson, Withers, Work and Yelton—58.

Representatives voting no were: Burnett, Byrd, Davis (Pickett), Duer, Duncan, Harrill, Henry (Blount), Henry (Roane), Hillis, Hurley, McAfee, Moore, Robertson, Scruggs, Severance, Shirley, Small, Smith, Stallings, Sterling, Turner, Wheeler, Wix and Wolfe—24.

Representatives present and not voting were: Bragg, Dills, Kernell, Pickering and Rhinehart—5.

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Thereupon Amendment No. 1, as amended, was adopted by the following vote:

Ayes	42
Noes	39
Present and not voting	8

Representatives voting aye were: Bivens, Burnett, Byrd, Carter, Clark (Davidson), Clark (Sumner), Covington, Davidson, Davis (Gibson), Davis (Hamilton), DeBerry, DePriest, Disspayne, Ellis, Gaia, Hudson, Johnson, Jones, Kent, Kernell, King (Shelby), Lashlee, Love, Lowe, McKinney, McNally, Martin, Murphy (Davidson), Murphy (Shelby), Naifeh, Owen, Phillips, Pruitt, Robinson (Hamilton), Robinson (Washington), Spence, Tanner, Webb, Whitson, Withers, Wix and Work—42.

Representatives voting no were: Akard, Baker, Bell (Knox), Bell (Wilson), Brewer, Buck, Davis (Pickett), Duer, Duncan, Ford, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hurley, Huskey, Jared, Kelley, King (Washington), McAfee, Moore, Murray, Pickering, Rhinehart, Richardson, Robertson, Scruggs, Shirley, Shockley, Small, Smith, Stallings, Sterling, Turner, Wallace, Wheeler, Wolfe and Yelton—39.

Representatives present and not voting were: Bewley, Bragg, Cobb, Dills, Miller, Robinson (Davidson), Severance and Starnes—8.

Mr. Clark (Davidson) moved that House Bill No. 1106 be referred to the Committee on Judiciary.

Ms. DeBerry moved that the motion be tabled, which motion failed by the following vote:

Ayes	40
Noes	46
Present and not voting	5

Representatives voting aye were: Brewer, Burnett, Covington, Davidson, Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Duer, Ellis, Gaia, Hudson, Johnson, Jones, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McKinney, McNally, Martin, Miller, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Phillips, Pruitt, Robinson (Hamilton), Robinson (Washington), Severance, Spence, Tanner, Webb, Withers, Word and Mr. Speaker McWherter—40.

Representatives voting no were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Buck, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Davis (Gibson), Dills, Disspayne, Duncan, Ford, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hurley, Huskey, Jared, Kelley, McAfee, Moore, Rhinehart, Richardson, Robertson, Robinson (Davidson), Scruggs, Shirley, Shockley, Small, Smith, Stallings, Sterling, Turner, Wallace, Wheeler, Wix, Wolfe and Yelton—46.

Representatives present and not voting were: Bragg, Owen, Pickering, Starnes and Whitson—5.

Mr. Byrd moved the previous question, which motion failed by the following vote:

Ayes	53
Noes	34
Present and not voting	1

Representatives voting aye were: Akard, Baker, Bell (Wilson), Bewley, Bivens, Buck, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Davis (Gibson), Davis

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(Hamilton), Davis (Pickett), DePriest, Dills, Disspayne, Duer, Duncan, Ford, Gill, Harrill, Henry (Blount), Hillis, Huskey, Jared, Kelley, Kent, Lashlee, McAfee, Martin, Moore, Murphy (Davidson), Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Scruggs, Shirley, Shockley, Small, Smith, Stallings, Sterling, Turner, Wallace, Webb, Wheeler, Wix, Wolfe and Yelton—53.

Representatives voting no were: Bell (Knox), Bragg, Brewer, Burnett, Covington, Davidson, DeBerry, Ellis, Gaia, Henry (Roane), Hudson, Hurley, Johnson, Jones, Kernell, King (Shelby), King (Washington), Love, Lowe, McKinney, McNally, Miller, Murphy (Shelby), Murray, Naifeh, Owen, Phillips, Pruitt, Robinson (Washington), Severance, Spence, Tanner, Withers and Work—34.

Representative present and not voting was: Whitson—1.

Mr. Duncan moved the previous question, which motion failed by the following vote:

Ayes	57
Noes	31

Representatives voting aye were: Akard, Baker, Bell (Wilson), Bewley, Bivens, Bragg, Buck, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DePriest, Dills, Disspayne, Duer, Duncan, Ford, Gill, Harrill, Henry (Blount), Hillis, Hudson, Huskey, Jared, Kelley, Kent, King (Washington), Lowe, McAfee, Martin, Moore, Murphy (Davidson), Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Scruggs, Shirley, Shockley, Small, Smith, Stallings, Sterling, Turner, Wallace, Wheeler, Whitson, Wix, Wolfe and Yelton—57.

Representatives voting no were: Bell (Knox), Brewer, Burnett, Davidson, DeBerry, Ellis, Gaia, Henry (Roane), Hurley, Johnson, Jones, Kernell, King (Shelby), Lashlee, Love, McKinney, McNally, Miller, Murhpy (Shelby), Murray, Naifeh, Owen, Phillips, Pruitt, Robinson (Washington), Severance, Spence, Tanner, Webb, Withers and Work—31.

Mr. Disspayne moved that the House stand in recess for one hour, which motion failed by the following vote:

Ayes	22
Noes	59
Present and not voting	2

Representatives voting aye were: Bell (Wilson), Brewer, Davis (Gibson), Davis (Pickett), DeBerry, Disspayne, Ellis, Gaia, Jones, King (Shelby), Love, McKinney, McNally, Martin, Murphy (Shelby), Murray, Richardson, Robinson (Davidson), Robinson (Hamilton), Wheeler, Withers and Work—22.

Representatives voting no were: Akard, Baker, Bell (Knox), Bewley, Bivens, Bragg, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Davidson, Davis (Hamilton), Dills, Duer, Duncan, Ford, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, King (Washington), Lashlee, Lowe, McAfee, Moore, Murphy (Davidson), Naifeh, Owen, Phillips, Rhinehart, Robertson, Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Stallings, Starnes, Sterling, Tanner, Turner, Wallace, Webb, Whitson, Wolfe and Yelton—59.

Representatives present and not voting were: Burnett and Kernell—2.

Mr. Ford moved the previous question on the motion to re-refer, which motion prevailed by the following vote:

Ayes	61
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Noes	25
Present and not voting	1

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Buck, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DePriest, Dills, Disspayne, Duer, Duncan, Ford, Gill, Harrill, Henry (Blount), Hillis, Hudson, Hurley, Huskey, Jared, Kelley, Kent, King (Washington), Lashlee, Lowe, McAfee, Martin, Moore, Murphy (Davidson), Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shirley, Shockley, Small, Smith, Stallings, Starnes, Sterling, Turner, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe and Yelton—61.

Representatives voting no were: Brewer, Covington, Davidson, DeBerry, Ellis, Gaia, Henry (Roane), Johnson, Jones, Kernell, King (Shelby), Love, McKinney, McNally, Miller, Murphy (Shelby), Murray, Naifeh, Owen, Phillips, Severance, Spence, Tanner, Withers and Work—25.

Representative present and not voting were: Bragg and Burnett—2.

Thereupon, the motion to refer House Bill No. 1106 to the Committee on Judiciary prevailed by the following vote:

Ayes	53
Noes	33
Present and not voting	4

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Buck, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Davis (Gibson), Davis (Hamilton), Davis (Pickett), Dills, Disspayne, Duer, Duncan, Ford, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hurley, Huskey, Jared, Kelley, Kent, Lashlee, Lowe, McAfee, Moore, Murphy (Davidson), Rhinehart, Richardson, Robertson, Robinson (Davidson), Scruggs, Shirley, Shockley, Small, Smith, Stallings, Sterling, Turner, Wallace, Wheeler, Wix, Wolfe and Yelton—53.

Representatives voting no were: Brewer, Covington, Davidson, DeBerry, Ellis, Gaia, Hudson, Johnson, Jones, Kernell, King (Shelby), King (Washington), Love, McKinney, McNally, Martin, Miller, Murphy (Shelby), Murray, Naifeh, Owen, Phillips, Pickering, Pruitt, Robinson (Hamilton), Robinson (Washington), Severance, Spence, Tanner, Webb, Withers, Work and Mr. Speaker McWherter—33.

Representatives present and not voting were: Bragg, Burnett, Starnes and Whitson—4.

Mr. McKinney moved that the House stand in recess for 1 hour, which motion failed by the following vote:

Ayes	23
Noes	61
Present and not voting	1

Representatives voting aye were: Bell (Wilson), Bivens, Brewer, Chiles, Cobb, Covington, DeBerry, Disspayne, Duncan, Jones, Kent, Kernell, King (Shelby), Love, McKinney, Martin, Murphy (Shelby), Murray, Pruitt, Richardson, Spence, Withers and Work—23.

Representatives voting no were: Akard, Baker, Bell (Knox), Bewley, Buck, Byrd, Carter, Clark (Davidson), Clark (Sumner), Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DePriest, Dills, Duer, Ford, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, King (Washington), Lashlee, Lowe,

McAfee, McNally, Miller, Moore, Murphy (Davidson), Naifeh, Owen, Phillips, Rhinehart, Robertson, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Stallings, Starnes, Sterling, Tanner, Turner, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Yelton and Mr. Speaker McWherter—61.

Representative present and not voting was: Bragg—1.

On motion of Mr. Ford, House Bill No. 1276 was withdrawn from the House.

House Bill No. 909—To provide for chemical tests, alcoholic content in blood.

On motion, House Bill No. 909 was made to conform with Senate Bill No. 703.

On motion, Senate Bill No. 703, on same subject, was substituted for House Bill No. 909.

Mr. Tanner moved that Senate Bill No. 703 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	83
Noes	0
Present and not voting	1

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Phillips, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Work, Yelton and Mr. Speaker McWherter—83.

Representative present and not voting was: Owen—1.

House Bill No. 1226—To enact the “County Financial Management System”.

Mr. Tanner moved that House Bill No. 1226 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	86
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Lashlee, Lowe, McAfee, McKinney, McNally, Martin, Miller, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Phillips, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Work, Yelton and Mr. Speaker McWherter—86.

A motion to reconsider was tabled.

House Bill No. 1124—To amend Section 45-5-503, Code.

On motion, House Bill No. 1124 was made to conform with Senate Bill No. 502.

On motion, Senate Bill No. 502, on same subject, was substituted for House Bill No. 1124.

Mr. Rhinehart moved that Senate Bill No. 502 be passed on third and final consideration.

Mr. McKinney moved that Senate Bill No. 502 be tabled, which motion failed by the following vote:

Ayes	33
Noes	44
Present and not voting	4

Representatives voting aye were: Baker, Buck, Burnett, Covington, Davidson, Davis (Gibson), DeBerry, Dills, Disspayne, Duncan, Ellis, Gaia, Gill, Harrill, Henry (Blount), Jones, Kelley, Kent, Kernell, Love, Lowe, McKinney, Moore, Murphy (Shelby), Phillips, Pickering, Severance, Shirley, Spence, Sterling, Turner, Withers and Wolfe—33.

Representatives voting no were: Akard, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Carter, Clark (Sumner), Davis (Hamilton), Davis (Pickett), Duer, Ford, Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, King (Washington), Lashlee, McAfee, McNally, Martin, Miller, Murray, Naifeh, Rhinehart, Richardson, Robertson, Robinson (Hamilton), Robinson (Washington), Scruggs, Shockley, Smith, Stallings, Starnes, Tanner, Wallace, Wheeler, Whitson, Work, Yelton and Mr. Speaker McWherter—44.

Representatives present and not voting were: Byrd, Cobb, Murphy (Davidson) and Owen—4.

Mr. Rhinehart moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 502 by deleting the amendatory language of Section 1 in its entirety, substituting instead the following:

(e) (1) The individual reports of registrants and the information contained therein shall not be subject to public record, except as provided in this subsection; provided, however, all information contained in such report may be used in court as evidence, to the extent that the same is competent as evidence or as an aid in arriving at the true condition of the registrant.

(2) The balance sheet and statement of income and expense of such registrant, including item (4) of subsection (a) of this section, prepared in accordance with generally accepted accounting principles, which are filed with and made a part of such report shall be public record.

Ms. Gaia moved to amend Amendment No. 1 as follows:

AMENDMENT NO. 1 TO AMENDMENT NO. 1

Amend Amendment No. 1 by adding the following to the end of subsection (e):

Nothing in this subsection shall be construed as preventing such reports from being subpoenaed by a court of competent jurisdiction if done subject to a proper subpoena duces tecum.

On motion, Amendment No. 1 to Amendment No. 1 was adopted.

Mr. Rhinehart moved that Senate Bill No. 502 be placed on the Calendar for Monday, May 4, 1981, which motion prevailed.

Mr. Smith moved that House Bill No. 900 be placed on the Calendar for Thursday, May 14, 1981, which motion prevailed.

Mr. Speaker McWherter relinquished the Chair to Mr. Martin, Speaker pro tem.

House Bill No. 683—To amend Title 26, Chapter 2, Code.

Mr. Turner moved that House Bill No. 683 be passed on third and final consideration.

Mr. Turner moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 683 by striking the amendatory language of Section 2 and 3 in their entirety and by substituting therein the following:

SECTION 2. Tennessee Code Annotated, Section 26-2-216, subsection (b), item (1), is further amended by deleting the word "or" at the end of subitem (A) and adding the following language:

provided, however, that if service cannot be obtained on an officer, managing agent or designated agent for service, the sheriff may serve any employee of the payroll, auditing, bookkeeping or accounting office of said employer, except that where access to an employer's premises is restricted, the sheriff may serve the papers on the employee in charge at the main gate to the employer's premises.

SECTION 3. Tennessee Code Annotated, Section 26-2-216, subsection (b), item (1), is amended by adding the words and punctuation "managing agent, designated agent for service or employee served by the sheriff pursuant to subsection (b) (1) (A)" after the word "officer" and before the words "of the" in subitem (B).

On motion, the amendment was adopted.

Mr. McKinney moved that House Bill No. 683 be re-referred to the Committee on Commerce.

Mr. Moore moved that the motion be tabled, which motion failed by the following vote:

Ayes	24
Noes	56
Present and not voting	1

Representatives voting aye were: Buck, Byrd, Davis (Gibson), Davis (Hamilton), Dills, Disspayne, Duncan, Henry (Roane), Johnson, Kent, King (Washington), Moore, Murray, Phillips, Pickering, Richardson, Robertson, Robinson (Hamilton), Shirley, Small, Turner, Wallace, Wix and Wolfe—24.

Representatives voting no were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Burnett, Chiles, Clark (Davidson), Clark (Sumner), Davidson, Davis (Pickett), DeBerry, Duer, Ellis, Ford, Gaia, Gill, Harrill, Henry (Blount), Hillis, Hudson, Hurley, Huskey, Jared, Jones, Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Murphy (Davidson), Murphy (Shelby), Naifeh, Owen, Rhinehart, Robinson (Davidson), Scruggs, Severance, Shockley, Smith, Spence, Stallings, Sterling, Tanner, Webb, Wheeler, Whitson, Withers, Work and Yelton—56.

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Representative present and not voting was: Covington—1.

Thereupon, the motion to re-refer House Bill No. 683 to the Committee on Commerce prevailed by the following vote:

Ayes	48
Noes	35
Present and not voting	2

Representatives voting aye were: Akard, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Burnett, Chiles, Clark (Davidson), Clark (Sumner), Davidson, Davis (Hamilton), DeBerry, DePriest, Ellis, Ford, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hudson, Hurley, Huskey, Jared, Jones, Love, McAfee, McKinney, Martin, Murphy (Davidson), Naifeh, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shockley, Smith, Stallings, Tanner, Webb, Wheeler, Whitson, Withers, Work—48.

Representatives voting no were: Baker, Buck, Byrd, Carter, Cobb, Covington, Davis (Gibson), Davis (Pickett), Dills, Disspayne, Duer, Duncan, Hillis, Johnson, Kelley, Kent, Kernell, King (Washington), Lashlee, Lowe, McNally, Miller, Moore, Murray, Phillips, Pickering, Richardson, Robertson, Shirley, Small, Sterling, Turner, Wallace, Wix and Wolfe—35.

Representatives present and not voting were: Owen and Yelton—2.

Mr. Murphy (Davidson) moved that Senate Bill No. 769 be placed on the Calendar for Wednesday, May 6, 1981, which motion prevailed.

House Bill No. 1147—To create Peace Officer Standards and Training Commission.

Mr. McNally moved that House Bill No. 1147 be passed on third and final consideration.

Mr. Davis (Hamilton) moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 1147 by deleting the first sentence of the second paragraph of SECTION 7 and substituting instead the following:

“Failure of an individual officer to successfully complete the in-service training requirement will result in loss of eligibility of that officer only for the pay supplement provided in SECTION 11 of this Act.”

On motion, the amendment was adopted.

Mr. Miller moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 1147 by deleting the words “one year” in the ninth line of SECTION 7 and substituting instead the words “two years”.

On motion, the amendment was adopted.

Mr. Miller moved to amend as follows:

AMENDMENT NO. 3

Amend House Bill No. 1147 by designating the present language of Section 12 as

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subsection (a) and adding the following new subsection (b):

(b) The Tennessee Code Commission is hereby directed to codify this act as a new Chapter 11, Title 38, Tennessee Code Annotated.

On motion, the amendment was adopted.

Mr. Robinson (Davidson) moved that House Bill No. 1147 be placed on the Calendar for Monday, May 4, 1981, which motion prevailed.

Senate Joint Resolution No. 44—Relative to amending Article II, Section 28, Tennessee Constitution.

Mr. Wallace moved that Senate Joint Resolution No. 44 be passed on first reading.

At the request of the sponsor, Senate Joint Resolution No. 44 was read by the Clerk.

Thereupon, as required by Article XI, Section 3, Constitution of Tennessee, Senate Joint Resolution No. 44 passed its first reading by the following vote:

Ayes	89
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Phillips, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Work, Yelton and Mr. Speaker McWherter—89.

Mr. Martin moved that House Bill No. 1242 be placed on the Calendar for Monday, May 4, 1981, which motion prevailed.

House Bill No. 576—To regulate zoning, certain single family residences.

Mr. Robinson (Davidson) moved that House Bill No. 576 be passed on third and final consideration.

Mr. Miller moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 576 by deleting the amendatory language of Section 1 in its entirety and adding the following new amendatory language:

Provided, however, before any home in which mentally retarded, mentally handicapped or physically handicapped persons are to reside is located in an area zoned as single family residence, a public hearing in accordance with the provisions of Tennessee Code Annotated, Section 13-7-203, if in a municipality and Tennessee Code Annotated, Section 13-7-105, if in a county, shall be held concerning the proposed location of the home. If a majority of the membership of the local zoning board or other body having authority over zoning in the municipality or county in which such home is to be located does not approve the proposed location, a copy of the minutes of such hearing

including the decision of such board and the explanation of the basis or reasoning on which such decision is made shall be certified by the secretary of such board to the Commissioner of the Department of Mental Health and Mental Retardation or the Commissioner of the Department of Public Health as appropriate to the predominant character of persons to be housed in the proposed home, within fourteen (14) days of such public hearing. Such local board shall approve or disapprove such proposed location within seven (7) days of the public hearing. The appropriate commissioner shall approve or reverse the decision of such local board within thirty (30) days after the receipt of such certified minutes.

On motion, the amendment was adopted.

Mr. Murphy (Shelby) moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 576 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section—. The provisions of this act shall not apply in any county having a population of more than 600,000 according to the 1970 federal census of population or any subsequent federal census of population.

On motion, the amendment was adopted.

Mr. DePriest moved that House Bill No. 576 be deferred until January 1, 1982.

Mr. Wallace moved the previous question on the motion, which motion prevailed by the following vote:

Ayes	65
Noes	17
Present and not voting	2

Representatives voting aye were: Akard, Baker, Bewley, Bivens, Bragg, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Covington, Davidson, Davis (Hamilton), Davis (Pickett), DePriest, Dills, Duer, Duncan, Ellis, Ford, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Kelley, Kent, King (Shelby), King (Washington), Lashlee, Love, McAfee, McKinney, Martin, Miller, Moore, Murphy (Shelby), Naifeh, Phillips, Pickering, Rhinehart, Robertson, Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Spence, Stallings, Sterling, Tanner, Turner, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe and Work—65.

Representatives voting no were: Bell (Knox), Buck, Cobb, Davis (Gibson), DeBerry, Disspayne, Gaia, Gill, Johnson, Lowe, McNally, Murphy (Davidson), Murray, Owen, Richardson, Robinson (Hamilton) and Smith—17.

Representatives present and not voting were: Kernell and Yelton—2.

Thereupon, the motion to defer House Bill No. 576 until January 1, 1982 prevailed by the following vote:

Ayes	63
Noes	20
Present and not voting	4

Representatives voting aye were: Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Davidson, Davis (Gibson), Davis

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(Pickett), DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Kelley, Kent, Kernell, King (Shelby), Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Moore, Murray, Phillips, Pickering, Rhinehart, Richardson, Robertson, Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Spence, Starnes, Sterling, Turner, Webb, Wheeler, Whitson, Wolfe and Work—63.

Representatives voting no were: Akard, Baker, Buck, Burnett, Carter, Davis (Hamilton), DeBerry, Johnson, King (Washington), Lashlee, Murphy (Davidson), Murphy (Shelby), Naifeh, Robinson (Davidson), Robinson (Hamilton), Smith, Stallings, Tanner, Wallace and Withers—20.

Representatives present and not voting were: Covington, Owen, Wix and Yelton—4.

The Speaker ruled that House Bill No. 576 would lie on the Clerk's desk.

Mr. Owen moved that the House stand in adjournment until 5:00 p.m., Monday, May 4, 1981, which motion failed by the following vote:

Ayes	12
Noes	70

Representatives voting aye were: Byrd, Cobb, Covington, Duer, Ellis, Harrill, Hillis, Hurley, Kernell, King (Shelby), Owen and Robinson (Davidson)—12.

Representatives voting no were: Akard, Baker, Bell (Knox), Bewley, Bivens, Bragg, Buck, Burnett, Chiles, Clark (Davidson), Clark (Sumner), Davidson, Davis (Gibson), Davis (Hamilton), DePriest, Dills, Disspayne, Duncan, Ford, Gaia, Gill, Henry (Blount), Henry (Roane), Hudson, Huskey, Jared, Johnson, Kelley, Kent, King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Moore, Murphy (Davidson), Murray, Naifeh, Phillips, Pickering, Rhinehart, Richardson, Robertson, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Work, Yelton and Mr. Speaker McWherter—70.

Mr. Speaker pro tem Martin relinquished the Chair to Mr. Brewer, Speaker pro tem.

House Bill No. 234—To appropriate certain funds, Meharry College.

Mr. Love moved that House Bill No. 234 be passed on third and final consideration.

Mr. Lashlee moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 234 by deleting the words "There is appropriated" in Section 1 and by substituting instead the words, "Subject to the provisions of Section 2 of this act and the general appropriations bill, there is appropriated".

AND FURTHER AMEND in Section 1 by deleting the last sentence in the section which reads:

This appropriation is in addition to any other appropriation made for that purpose.

AND FURTHER AMEND by redesignating Section 2 to be Section 3 and by adding a new Section 2, as follows:

This act does not constitute an appropriation of funds. No funds shall be expended

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under the provisions of this act unless such funds are specifically appropriated in the General Appropriations Bill pursuant to Tennessee Code Annotated, Title 9, Chapter 6, Part 1, or a specific amendment or supplement thereto.

On motion, the amendment was adopted.

Thereupon, House Bill No. 234, as amended, passed its third and final consideration by the following vote:

Ayes	86
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Clark (Davidson), Clark (Sumner), Cobb, Covington, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Miller, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Phillips, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Work, Yelton and Mr. Speaker McWherter—86.

A motion to reconsider was tabled.

Ms. Gaia moved that House Bill No. 55 be placed on the Calendar for Thursday, May 14, 1981, which motion prevailed.

Mr. Covington moved that House Bill No. 597 be placed on the Calendar for Thursday, May 7, 1981, which motion prevailed.

Mr. McKinney moved that House Bill No. 656 be placed on the Calendar for Wednesday, May 6, 1981, which motion prevailed.

House Bill No. 707—To make certain provisions, health care agencies.

On motion, House Bill No. 707 was made to conform with Senate Bill No. 664.

On motion, Senate Bill No. 664, on same subject, was substituted for House Bill No. 707.

Mr. McNally moved that Senate Bill No. 664 be passed on third and final consideration.

Mr. Bragg moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 664 by deleting Sections 4 and 5 in their entirety and renumbering the remaining section(s) accordingly.

AND FURTHER AMEND by adding the following new section:

Section—. This act shall not affect the authority of the State Fire Marshal regarding the prevention and investigation of fires pursuant to Tennessee Code Annotated, Title 53, Chapter 24.

On motion, the amendment was adopted.

Mr. Murphy (Davidson) moved to amend as follows:

AMENDMENT NO. 2

Amend Senate Bill No. 664 by adding a new section:

Any standards adopted by the Board regarding accessibility by the handicapped shall be no less strict than those in Title 53, Chapter 25.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 664, as amended, passed its third and final consideration by the following vote:

Ayes	86
Noes	2

Representatives voting aye were: Akard, Baker, Bell (Knox), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DePriest, Dills, Disspayne, Duer, Duncan, Ford, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McNally, Martin, Miller, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Work, Yelton and Mr. Speaker McWherter—86.

Representatives voting no were: DeBerry and McKinney—2.

A motion to reconsider was tabled.

FURTHER CONSIDERATION OF SENATE BILL NO. 310

Senate Bill No. 310—To amend Section 57-3-106 (b), Code.

Mr. Work moved that the motion to reconsider Senate Bill No. 310 be lifted from the table, which motion prevailed.

Mr. Work moved that the House reconsider its action in passing Senate Bill No. 310 on third and final consideration, as amended, which motion prevailed.

Mr. Work moved that the House reconsider its action in adopting Amendment No. 1, which motion prevailed.

Mr. Work moved that Amendment No. 1 be withdrawn, which motion prevailed.

Mr. Work moved to amend as follows:

AMENDMENT NO. 2

Amend Senate Bill No. 310 by adding the following section immediately preceding the last section and renumbering subsequent sections accordingly:

SECTION— Tennessee Code Annotated, Section 57-3-106, is further amended by adding to the seventh line of subsection (b), item (1), after the words and figures "federal census of 1970" the words "or any subsequent federal census".

On motion, the amendment was adopted.

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Thereupon, Senate Bill No. 310, as amended, passed its third and final consideration by the following vote:

Ayes	83
Noes	5
Present and not voting	2

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Disspayne, Duer, Ellis, Ford, Gaia, Gill, Harrill, Henry (Blount), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McKinney, McNally, Martin, Miller, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Work, Yelton and Mr. Speaker McWherter—83.

Representatives voting no were: Duncan, Henry (Roane), McAfee, Small and Wofle—5.

Representatives present and not voting were: Carter and Dills—2.

A motion to reconsider was tabled.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 553—To make certain provisions, medical assistance.

SENATE AMENDMENT NO. 2

Amend House Bill No. 553 by inserting in the amendatory language of Section 2 a new subsection as follows:

(i) In the event that a person otherwise eligible for medicaid has filed an action in court to set aside a transfer for less than value because of fraud, duress, trick or otherwise, such person shall be and/or remain eligible and the State of Tennessee shall have recourse under Subsections (g) and (h) to set aside the transfer and recover.

Mr. Carter moved that the House concur in Senate Amendment No. 2, which motion prevailed by the following vote:

Ayes	88
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Gaia, Gill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Wallace, Webb, Wheeler, Whitson, Withers, Wolfe, Work, Yelton and Mr. Speaker McWherter—88.

A motion to reconsider was tabled.

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HOUSE BILL ON SENATE AMENDMENT

House Bill No. 602—To amend Section 41-1231, Code.

SENATE AMENDMENT NO. 1

Amend House Bill No. 602 by deleting Section 2 in its entirety and by renumbering Section 3 accordingly.

Mr. Robinson (Washington) moved that the House concur in Senate Amendment No. 1, which motion prevailed by the following vote:

Ayes	87
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Sumner), Cobb, Covington, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Work, Yelton and Mr. Speaker McWherter—87.

A motion to reconsider was tabled.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 610—To make certain provisions, juvenile courts.

SENATE AMENDMENT NO. 1

Amend House Bill No. 610 by adding the following to the end of subpart (iii) of the amendatory language of Section 1:

Provided, further, that before any parent who is incarcerated or who was incarcerated at the time that an action or proceeding to declare such parent's child abandoned was instituted may be deemed to have abandoned such child, it must be affirmatively shown to the court that such incarcerated parent received actual notice of the following:

- a) the time and place of the hearing to determine if the child has been abandoned;
- b) that the hearing will determine whether the incarcerated parent has abandoned such child and whether all parental rights to such child should be terminated;
- c) that the incarcerated parent has the right to appear at such hearing and contest the allegation that he/she has abandoned the child; and
- d) that if the incarcerated parent wishes to appear at the hearing and contest the allegation, he/she will be provided with transportation to such hearing and will be provided with a court appointed attorney to assist him/her in contesting such allegation.

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If, by means of a signed waiver, the court determines that the incarcerated parent has voluntarily waived the rights granted by this subpart or if such parent takes no action after receiving notice of such rights, the court may proceed with the action in such parent's absence.

Mr. Smith moved that the House concur in Senate Amendment No. 1, which motion prevailed by the following vote:

Ayes	85
Noes	0
Present and not voting	1

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Phillips, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Stallings, Starnes, Sterling, Tanner, Turner, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Work, Yelton and Mr. Speaker McWherter—85.

Representative present and not voting was: Spence—1.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, Senate Bill No.

77—To amend Section 36-801, Code.

The Senate refused to recede from its action in nonconcurring in House Amendment No. 1.

The Speaker appointed a Conference Committee composed of Senators White, Hooper and Rucker to confer with a like committee from the House in resolving the differences of the two bodies on Senate Bill No. 77.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Mr. Murphy (Shelby) moved that the Speaker appoint a Conference Committee to meet with the Senate Committee to resolve the differences between the two bodies on Senate Bill No. 77, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

The Speaker appointed Representatives Bell (Knox), Murphy (Shelby) and Murray as the Conference Committee on Senate Bill No. 77.

Mr. Lashlee moved that the rules be suspended for the purpose of introducing House Bill No. 1323 out of order, which motion prevailed.

INTRODUCTION OF BILL

House Bill No. 1323—To create a Juvenile Probate Court, Henry County—By Lashlee

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and Mr. Speaker McWherter.

Passed first consideration.

Mr. Baker moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 211 out of order, which motion prevailed.

House Joint Resolution No. 211—Relative to proclaiming April 30th, “Casey Jones Day”—By Wallace and Baker.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Baker, the resolution was adopted.

A motion to reconsider was tabled.

Mr. Speaker McWherter resumed the Chair.

SECOND ROLL CALL

The roll call was taken with the following results:

Present 89

Representatives present were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Work, Yelton and Mr. Speaker McWherter—89.

INTRODUCTION OF RESOLUTION

House Joint Resolution No. 209—Relative to memory, Judge Albert E. Martin—By Harrill.

Under the rules, House Joint Resolution No. 209 was referred to the Committee on Calendar and Rules.

INTRODUCTION OF BILLS

House Bill No. 1319—To change tax rate, McKenzie Special School District—By Kelley.

Passed first consideration.

House Bill No. 1320—To change tax rate, Trezevant Special School District—By Kelley.

Passed first consideration.

House Bill No. 1321—To regulate elections, Surgoinville—By Hurley.

Passed first consideration.

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House Bill No. 1322—To provide for wheel tax, Rutherford County—By Bragg.

Passed first consideration.

SENATE BILLS ON FIRST CONSIDERATION

Senate Bill No. 191—To amend Title 6, Chapter 51, Code.

Passed first consideration.

Senate Bill No. 712—To amend Section 45-2-1405, Code.

Passed first consideration.

Senate Bill No. 824—To amend Title 39, Code.

Passed first consideration.

Senate Bill No. 987—To increase gasoline tax.

Passed first consideration.

Senate Bill No. 1016—To amend Section 12-4-110, Code.

Passed first consideration.

Senate Bill No. 1043—To clarify definition "Project," industrial development corporation.

Passed first consideration.

HOUSE BILL ON SECOND CONSIDERATION

House Bill No. 1318—To amend Charter, Clarksville.

Passed second consideration and held without reference.

STANDING COMMITTEE REPORT

TRANSPORTATION

MR. SPEAKER: Your Committee on Transportation begs leave to report that we have carefully considered and recommend for passage: House Bill No. 812 (with amendment).

ROBINSON (Davidson), *Chairman*.

Under the rules, House Bill No. 812 was transmitted to the Committee on Calendar and Rules.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos.

368—To require teachers to report certain student actions;

995—To regulate letting of highway contracts; both substituted for Senate Bills on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos.

702—To amend Section 2-4-108, Code;

798—To amend Title 8, Chapter 42, Code;

926—To amend Section 39-2603; Code;

1145—To regulate Board of Claims; all substituted for Senate Bills on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos.

532—To amend Section 45-3-902, Code;

840—To amend Section 5-5-102, Code;

891—To amend Section 67-514, Code;

1061—To amend Title 56, Chapter 13, Code;

1108—To regulate manufactured homes;

1289—To repeal Chapter 174, Private Acts, 1971; all substituted for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

ENROLLED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 532, 840, 891, 1061, 1108 and 1289; and find same correctly enrolled and ready for the signatures of the Speakers.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

SIGNED

The Speaker announced that he had signed the following: House Bills Nos. 532, 840, 891, 1061, 1108 and 1289.

NOTICE PURSUANT TO RULE NO. 57

Pursuant to Rule No. 57, sponsors gave notice of their intentions to consider the following measures from the Senate on Monday, May 4, 1981:

House Bill No. 557—Jared

House Bill No. 640—Gaia

House Bill No. 792—Cobb

House Bill No. 1095—Rhinehart

REPORT OF COMMITTEE ON CALENDAR AND RULES

MR. SPEAKER: Your Committee on Calendar and Rules begs leave to report that we have met and set the following bills on the Calendar for Monday, May 4, 1981: House Bills Nos. 196, 676, 496, 1110, 257, 432, 1030, 564, 222 and 223.

GILL, *Chairman.*

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolutions Nos.

82—Relative to study, admission practices, public professional schools;

112—Relative to use, U. S. Pavilion;

116—Relative to commending Department of Public Health;

117—Relative to memory, Mrs. Lillie "Mother Ladd" Mauser;

118—Relative to memory, Paul L. Andrews;

119—Relative to commending Professor Georgiana McLarnan; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos.

165—To require notices, certain pruchasers, collision insurance;

314—To regulate voter registration;

812—To reenact Premium Finance Company Act of 1980;

925—To amend Title 47, Chapter 11, Code;

944—To permit county to contract with municipality, certain conditions;

1004—To regulate certain hotel, restaurant fees;

1011—To equalize salaries, Constitutional Officers;

1062—To enact "Easy to Read Life and Health Insurance Policy Act";

1138—To amend Sections 62-602 and 62-621, Code;

1146—To adjust and establish certain fees, Department of Insurance;

1180—To amend Title 52, Chapter 14, Code; all passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

ENGROSSED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 234 and 1226; and House Joint Resolution No. 211; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

LOCAL BILL TRANSMITTED TO CALENDAR AND RULES

In accordance with Rule No. 47, the following local bill, having received authorization for passage by the local legislative delegation, was transmitted to the Committee on Calendar and Rules: House Bill No. 1318.

On motion of Mr. Burnett, the House adjourned until 5:00 p.m., Monday, May 4, 1981.